

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

JOSHUA M. SETTLE,

Plaintiff,

v.

**Civil Action No. 2:18-cv-01177
Judge John T. Copenhaver, Jr.**

**NATHAN SCOTT STEPP,
Individually as a member of the
West Virginia State Police,**

Defendant.

**DEFENDANT NATHAN SCOTT STEPP'S MOTION FOR PROTECTIVE
ORDER AGAINST PLAINTIFF'S CIVIL CASE SUBPOENA
TO WEST VIRGINIA STATE POLICE**

COMES NOW the Defendant, Nathan Scott Stepp, by and through counsel, Wendy E. Greve, W. Austin Smith and the law firm of Pullin, Fowler, Flanagan, Brown & Poe, PLLC, pursuant to Rule 26 of the Federal Rules of Civil Procedure, and for his Motion for Protective Order to protect him from Plaintiff Joshua M. Settle's subpoena duces tecum to non-party West Virginia State Police.

Plaintiff has raised causes of action solely against Defendant Nathan Scott Stepp individually for excessive force under 42 U.S.C. § 1983; violations of the West Virginia Constitution, battery; negligence; intentional infliction of emotional distress; and abuse of process. No claims have been raised against the West Virginia State Police. However, despite this fact, Plaintiff has issued a notice of subpoena duces tecum to the West Virginia State Police seeking thirty-seven (37) separate documents generally related to the West Virginia State Police's training and supervision of Defendant. The information sought by the subpoena duces tecum is irrelevant as the Plaintiff does not

raise a Monell claim, nor does he raise claims for negligent hiring, training, retention, or supervision against the West Virginia State Police.

For these and other reasons set forth more fully in his accompanying memorandum of law, Defendant respectfully move this Honorable Court issue a protective order pursuant to Rule 26 of the Federal Rules of Civil Procedure, fees and costs associated with bringing said motion, and any and all relief that may be fair and just.

NATHAN SCOTT STEPP
By Counsel,

/s/ Wendy E. Greve

Wendy E. Greve, Esq., WVSB #11045
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CERTIFICATE OF SERVICE

The undersigned counsel for defendant, Nathan Scott Stepp, individually and as a member of the West Virginia State Police, does hereby certify that on this **19th** day of **March, 2019**, I electronically filed the foregoing ***Defendant Nathan Scott Stepp's Motion for Protective Order Against Plaintiff's Civil Case Subpoena to West Virginia State Police*** by utilizing the CM/ECF filing system which will send notification of the same to the following counsel of record:

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/s/ Wendy E. Greve

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